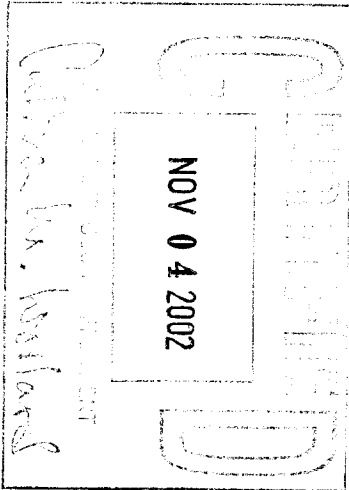


Entered - 09/11/02 - sb
CL02L0647 - DIANNE C. MITCHELL


CLAIM OF: **ROY E. WANN,**
through his insurance carrier,
Kemper Auto and Home
2810 Coliseum Center Drive
Suite 450
Charlotte, North Carolina 28217-2394

02-R-1843



For damages alleged to have been sustained as a result of vehicular damage due to a fallen tree on August 6, 2002 at Central Park Place and Pine Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

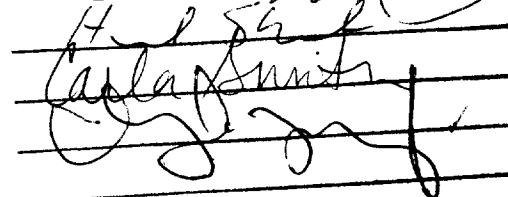
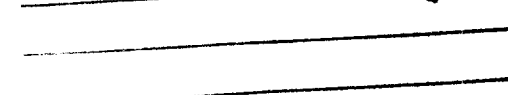

ADVERSED BY
CITY COUNCIL NOV 04 2002

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 10/29/02

CHAIR: 



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

November 6, 2002

Mr. Roy E. Wann
c/o Kemper Auto and Home
2810 Coliseum Center Drive
Suite 450
Charlotte, North Carolina 28217-2394

02-R-1843

Dear Mr. Wann:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0647

Date: October 17, 2002

Claimant /Victim ROY E. WANN
BY:(Ins. Co.) Kemper Auto and Home
Address: 2810 Coliseum Centre Drive, Suite 450, Charlotte, North Carolina 28217-2394
Subrogation: X Claim for Property damage \$ Not Stated Bodily Injury \$ _____
Date of Notice: 09/10/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) X
Date of Occurrence 08/06/02 Place: Central Park Place and Pine Street
Department PRCA Division: Parks
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's insurance carrier has presented a claim seeking reimbursement for damages incurred by its insured when a tree fell onto his vehicle. The City had no notice of any problem with the tree prior to the incident involving the claimant. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written X Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

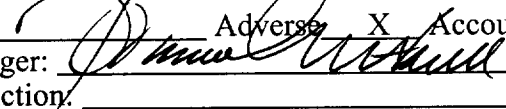
Function: Governmental X Ministerial _____
Improper Notice X More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager:  Concur/date 10-17-02
Committee Action: _____ Council Action _____

RCS# 4209
11/04/02
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871
02-R-1885; 02-O-1879
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

11/08/02 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1730	34. 02-R-1827
2. 02-O-1733	35. 02-R-1828
3. 02-O-1734	36. 02-R-1829
4. 02-O-1891	37. 02-R-1830
5. 02-O-1537	38. 02-R-1831
6. 02-O-1550	39. 02-R-1832
7. 02-R-1587	40. 02-R-1833
8. 02-R-1893	41. 02-R-1834
9. 02-R-1857	42. 02-R-1835
10. 02-R-1858	43. 02-R-1836
11. 02-R-1883	44. 02-R-1837
12. 02-R-1901	45. 02-R-1838
13. 02-R-1851	46. 02-R-1839
14. 02-R-1852	47. 02-R-1841
15. 02-R-1729	48. 02-R-1842
16. 02-R-1910	49. 02-R-1843
17. 02-R-1846	50. 02-R-1844
18. 02-R-1862	51. 02-R-1845
19. 02-R-1626	
20. 02-R-1855	
21. 02-R-1876	
22. 02-R-1815	
23. 02-R-1816	
24. 02-R-1817	
25. 02-R-1818	
26. 02-R-1819	
27. 02-R-1820	
28. 02-R-1821	
29. 02-R-1822	
30. 02-R-1823	
31. 02-R-1824	
32. 02-R-1825	
33. 02-R-1826	
Consent I Vote: 13 Yeas; 0 Nays (See RCS #4209) Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879 (Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)	